IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 23388 of 1999

Between:

Mohd.Mohuddin S/o Abdul Kareem, Aged 66 years, Occ:Labour
R/o H.No.18-12-419/C/3475, Hafeezbaba Nagar, Hyderabad.
..... PETITIONER

AND

1.The Superintendent of Police, Ranga Reddy District.
2.The Station House Officer, Rajendranagar Police Station,
Rajendranagar, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to direct the respondents to investigate the case properly by reopening the case closed under Section 174 Cr.P.C in Crime No.378/99 dated 26.8.1999 and examine each and every witnesses, or if necessary may direct the police to conduct Post Mortem of the deceased to drag out the real fact of the case, and to punish the culprits by way of issue of Writ of Mandamus, or any other appropriate Writ or Order as the Court may deem fit and proper in the interests of justice.

For the Petitioner: MR.SYED AHMED ALI, Advocate Not Present

For the Respondent Nos.1 and 2: GP FOR HOME

The Court Made the Following :

:: O R D E R ::

On 26.8.1999, at about 07.30 hours, one Mirza Rayees Hussain Affedi S/o Mirza Soyail Affedi of Hafeezbaba Nagar lodged a complaint with the second respondent-Station House Officer, Rajendranagar stating that he intended to take a poultry shed on lease at Mailardevpally near Pallacheruvu, and on 25.8.1999, at about 14.00 hours, when he visited the site, the petitioner's son Mohd. Faheeuddin, who was there to attend the whitewashing of the poultry farm, met him. But as there was no immediate necessity to attend the work, the petitioner's son went towards Pallacheruvu for bath, and accidentally fell in the agricultural well pertaining to the site of one Sri Manik Reddy, and drowned.

On the basis of the said complaint, a case in Crime No.378/99 of P.S. Rajendranagar was registered and investigation was taken up. During the course of investigation, the complainant was examined and his statement was recorded under Section 161 Cr.P.C. After visiting the scene of offence, the body was retrieved from the well and inquest was held over the dead body in the presence of panchayatdars. After receipt of the Post Mortem Report, and on approval of Sub Divisional Police Officer, Rajendranagar, the same was submitted to the Mandal Executive Magistrate, i.e, Mandal Revenue Officer, Rajendranagar under Section 173 Cr.P.C.

The petitioner being not satisfied with the report filed by Mandal Revenue Officer, Rajendranagar filed the present writ petition strongly suspecting that the complainant is behind the murder of the deceased. The complainant is influencing the police, and producing false reports suppressing the injuries and cause of death, and therefore, the elder son of the petitioner gave a complaint through Registered Post to

Police, Rajendranagar, by sending a copy of the same to the Deputy Commissioner of Police, Ranga Reddy District. As no action is taken on such complaint, the present writ petition has been filed.

Opposing the writ petition, the second respondent filed counter stating that all the allegations made by the petitioner are only after thought. During inquest, none of the witnesses, including the petitioner nor the relatives of the deceased have expressed any suspicion over the cause of the death. Since the petitioner made a demand for payment of amount, and as the same has not been complied with, he has taken recourse to file the present writ petition, by complaining inaction on the complaint lodged by him to the police, only with a view to extract some amount from the complainant.

None appeared for the petitioner.

In view of the fact that neither the petitioner nor the family members of the deceased, who were present during inquest have expressed any suspicion over the cause of death of the deceased, there is every likelihood that the present writ petition is filed in order to pressurize the complainant for extracting money. The writ petition is filed as an after thought only to extract money from the complainant.

Hence, the writ petition is accordingly dismissed.

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23.06.2004

To

1. The Superintendent of Police, Ranga Reddy District
2. The Station House Officer, Rajendranagar Police Station, Rajendranagar, Ranga Reddy District.
3. 2 CCs to The Govt. Pleader for Home, Hyderabad (OUT).
4. 2CD copies

Kmr/Rar